

# EXHIBIT T

**Brenner, Wendy**

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**From:** Anna Levine [alevine@dralegal.org]  
**Sent:** Wednesday, January 05, 2011 4:56 PM  
**To:** Brenner, Wendy  
**Cc:** Daniel F. Goldstein; Scott C. LaBarre  
**Attachments:** Letter.to.NCBE.1-5-11.doc; draft\_stipulation\_re\_February\_2011\_MBE.motion.1-5-11.docx; draft\_stipulation\_re\_February\_2011\_MBE.no.motion.1-5-11.docx

Dear Wendy,

Please see the attached letter and proposed draft stipulations.

Thank you,

Anna

Anna Levine, Staff Attorney  
Disability Rights Advocates  
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Via Email

Wendy Brenner  
 Cooley Godward Kronish, LLP  
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 Palo Alto, CA 94306-2155

December 29, 2010

**Re: *Enyart v. National Conference of Bar Examiners*  
 Proposed Preliminary Injunction Order**

Dear Wendy,

Attached with this letter you will find two draft stipulations. One includes both provisions regarding the software that will be provided through a further preliminary injunction order, and provisions that would take the place of the previously requested availability of someone with administrative privileges (the draft with "no motion" in its document title). The other draft does not include the latter provisions, but instead reserves Stephanie's right to seek further modifications from the court (the draft with "motion" in its document title).

We have not yet received any response from NCBE regarding our letter of December 29, 2010 on the issue of software that NCBE will provide for the February 2011 administration of the MBE. Our preference is to resolve all issues regarding accommodations on the February MBE by stipulation. However, failing to do that, Stephanie needs to move for an injunction by the end of this week to get the accommodations she needs in place in time for the February test administration.

Through your letter dated December 23, 2010, we understand that the question of administrative privileges also remains unresolved. We have pursued this issue in an effort to address specific problems that have arisen in Stephanie's experience of prior test administrations. Your assurance in your letter dated December 23, 2010 that "When the laptop leaves NCBE, it will be in working order," is not supported by those experiences: on no prior exam administration has Stephanie ever received a laptop in working order. We do not believe that making available a NCBE or State Bar person with administrative privileges compromises the security of the exam. Our goal, however, is a meaningful opportunity to fix identified problems, if any, that require, for example, software programs to be uninstalled and reinstalled in a

different order. If in fact the laptop is in working order, the issue will not arise. But if there is such a problem, we do not want Stephanie left in a position where the agreed upon pre-test inspection affords her only a longer time to reflect on the fact that there will again be a problem that interferes with the accessibility of the test and that will not be fixed prior to the exam.

In an effort to avoid going back to court, we have drafted an alternative potential solution, which is contained in the attached draft stipulation. Under this proposed stipulation, if and only if a problem requiring it is identified, the laptop will be returned to NCBE to be fixed in time for the exam, rather than having someone available on-site with the administrative privileges necessary to fix the laptop.

I hope that this solution addresses NCBE's concerns and that we can finalize an agreement fully addressing the further preliminary injunction order. In light of time constraints, please respond by 12 pm, tomorrow, as to whether NCBE will enter into either of these proposed agreements.

Sincerely,

/s/ Anna Levine

Enclosures (2)

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15 Attorneys for Plaintiff

16 [add defense counsel to caption]

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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
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1 STEPHANIE ENYART  
2  
3 Plaintiff,  
4 v.  
5 NATIONAL CONFERENCE OF BAR  
6 EXAMINERS,  
7  
8 Defendant.

Case NO. C09-05191

**NOTICE OF STIPULATION AND  
AGREEMENT BETWEEN STEPHANIE  
ENYART AND NATIONAL  
CONFERENCE OF BAR EXAMINERS  
REGARDING FEBRUARY 2011  
ADMINISTRATION OF MULTISTATE  
BAR EXAM**

1           The parties to the above-captioned action, Plaintiff Stephanie Enyart and  
2 Defendant National Conference of Bar Examiners (hereinafter, "the Parties"), jointly  
3 stipulate and agree as follows:

4

5           1. With respect to the February 2011 administration of the California Bar exam,  
6 NCBE shall provide the State Bar of California, Committee of Bar Examiners  
7 (the "State Bar") with the Multistate Bar Examination ("MBE") loaded onto a  
8 laptop computer equipped with Windows XP, Word 2003, JAWS version 12  
9 and MAGic version 11 software, with the examination displayed in 14-point  
10 Arial font.

11           2. NCBE shall deliver the NCBE laptop to the State Bar for arrival on or before  
12 February 17, 2011, and request the State Bar to make the NCBE-provided  
13 laptop available to Ms. Enyart and a technical expert of her choice (the  
14 "technical expert") on February 17, 2011 for inspection and set-up. Inspection  
15 and set-up shall include permission to connect Ms. Enyart's monitor,  
16 keyboard and mouse (the "peripherals") to the NCBE laptop and to test the  
17 functionality of JAWS and MAGic to ensure that all software and hardware on  
18 the system are functioning properly.

19           3. NCBE shall request the State Bar to make the NCBE-provided laptop  
20 available to Ms. Enyart and a technical expert of her choice again on  
21 February 21, 2011 for set up in the secure testing area. Set up shall include  
22 permission to connect the peripherals to the NCBE laptop and to again test  
23 the functionality of JAWS and MAGic to ensure that all software and hardware  
24 on the system are functioning properly.

25           4. NCBE will make an NCBE representative knowledgeable about the  
26 configuration of the NCBE laptop available by telephone on February 17,  
27 2011 and February 21, 2011, at a pre-established, mutually convenient time

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between 8:30 a.m. and 4:00 p.m. CST, to work with Ms. Enyart and the technical expert on troubleshooting any technical or compatibility issues.

5. The NCBE representative available by telephone will not use his or her administrative privileges in any way, nor will he or she transfer that ability. In the event that the NCBE representative, technical expert, and Ms. Enyart identify a problem on February 17, 2011, which cannot be resolved absent the use of administrative privileges, the NCBE shall arrange for the return of the laptop to NCBE, and will maintain an open line of communication with the technical expert and Ms. Enyart while working to resolve the problem offsite. NCBE will deliver the laptop back to the State Bar by Monday, February 21, 2011 for set up in the secure testing area, pursuant to paragraph 3.
6. NCBE will permit the laptop computer to remain set up with the peripherals connected in the testing room from February 21, 2011 through the administration of the MBE to Ms. Enyart on February 26 and 27, 2011, with storage and security of the NCBE laptop being ensured by State Bar personnel. In the event the State Bar declines to provide any of the accommodations specified in this order, counsel are to notify the court one week prior to the date of the commencement of the Bar examination.
7. The State Bar shall be responsible for custody of, and access to, the laptop once it is delivered to the State Bar. All decisions with respect to the administration of the examination shall rest with the State Bar. The MBE shall be administered by the State Bar with the above accommodations pursuant to the Stipulation Regarding Dismissal Without Prejudice of Defendant State Bar of California; Order Thereon filed with the Court on December 9, 2009.
8. Plaintiff shall post an additional cash bond in the amount of \$5,000 with the Clerk of the Court by July 1, 2010, and deposited into the registry of the Court.

1  
2 Respectfully Submitted,

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4  
5 Dated: January \_\_\_, 2011

DISABILITY RIGHTS ADVOCATES

6 By: /s/ Laurence Paradis

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8 LABARRE LAW OFFICES, P.C.

9 By: /s/ Scott Labarre

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11 BROWN, GOLDSTEIN AND LEVY, PLLC

12 By: /s/ Daniel F. Goldstein

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15 Attorneys for Plaintiff

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17 COOLEY GODWARD KRONISH LLP

18 By: /s/ Wendy J. Brenner

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*Enyart v. National Conference of Bar Examiners, et al.*, Case No.:  
NOTICE OF STIPULATION AND AGREEMENT

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27 Attorneys for Plaintiff

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1 STEPHANIE ENYART  
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Plaintiff,

v.  
7 NATIONAL CONFERENCE OF BAR  
8 EXAMINERS,  
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Defendant.

Case NO. C09-05191

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7. Plaintiff shall post an additional cash bond in the amount of \$5,000 with the Clerk of the Court by July 1, 2010, and deposited into the registry of the Court.
8. Plaintiff reserves the right to move this Court for other modifications to the prior injunctions issued in this case that are not covered by this stipulation.

Respectfully Submitted,

Dated: January , 2011

## DISABILITY RIGHTS ADVOCATES

By: /s/ Laurence Paradis

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